

APR 19 1996

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	MM DOCKET NO. 95-154
	)	
<b>CONTEMPORARY MEDIA, INC.</b>	)	
	)	
Licensee of Stations WOW(AM), WBFX(AM), and	)	
WZZQ(FM), Terre Haute, Indiana	)	
	)	
Order to Show Cause Why the Licenses for Stations	)	
WOW(AM), WBFX(AM), and WZZQ(FM), Terre Haute,	)	
Indiana, Should Not be Revoked	)	
	)	
<b>CONTEMPORARY BROADCASTING, INC.</b>	)	
	)	
Licensee of Station KFMZ(FM), Columbia, Missouri, and	)	
Permittee of Station KAAM-FM, Huntsville, Missouri (unbuilt)	)	
	)	
Order to Show Cause Why the Authorizations for Stations	)	
KFMZ(FM), Columbia, Missouri; and KAAM-FM, Huntsville,	)	
Missouri, Should Not be Revoked	)	
	)	
<b>LAKE BROADCASTING, INC.</b>	)	
	)	
Licensee of Station KBMX(FM), Eldon, Missouri, and	)	
Permittee of Station KFXE(FM), Cuba, Missouri	)	
	)	
Order to Show Cause Why the Authorizations for Stations	)	
KBMX(FM), Eldon, Missouri; and KFXE(FM), Cuba,	)	
Missouri, Should Not be Revoked	)	
	)	
<b>LAKE BROADCASTING, INC.</b>	)	File No. BPH-921112MH
	)	
For a Construction Permit for a New FM Station on	)	
Channel 244A at Bourbon, Missouri	)	

To: Administrative Law Judge  
Arthur I. Steinberg

**MASS MEDIA BUREAU'S**  
**REQUEST FOR PERMISSION TO FILE MOTION**  
**FOR SUMMARY DECISION**  
**AND MOTION FOR SUMMARY DECISION**

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1. The Mass Media Bureau ("Bureau"), pursuant to Section 1.251 of the Commission's Rules, hereby requests the Presiding Judge to authorize the Bureau to file a motion for summary decision with regard to Issue 1 in this proceeding and to grant summary decision on that issue. The filing of a motion for summary decision after the commencement of a hearing is specifically contemplated by the Commission's Rules.

2. This motion is predicated upon the evidentiary record which establishes Michael Rice's felony convictions for child sexual abuse.<sup>1</sup> Absent any significant mitigating evidence or evidence of rehabilitation, the record here mandates the Licensees' disqualification.<sup>2</sup> Specifically, at the hearing held on April 9, 1996, Bureau Exhibit 1, containing the Bureau's request for admissions, was received into evidence. Contemporary Broadcasting, Inc., Contemporary Media, Inc. and Lake Broadcasting, Inc. ("Licensees"), did not dispute any of the facts contained in Bureau Exhibit 1. The only mitigating evidence offered by the licensees was four statements attesting to Michael Rice's character reputation, evidence that the stations had operated substantially in accord with the Commission's Rules and a claim that, subsequent to his arrest, Rice has been insulated from station affairs. Even accepting this "evidence" at face value, revocation would still be required. In the absence of any genuine issue as to any material fact necessary to the resolution of Issue 1, summary decision

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<sup>1</sup> The felonies for which Rice was convicted and sentenced to a total of 84 years in prison involved the sexual abuse of six juveniles over a five year period of time. Rice is currently incarcerated.

<sup>2</sup> The Bureau's Proposed Findings of Fact and Conclusions of Law Issue One, which is being filed simultaneously with the instant motion, details the record evidence in this case.

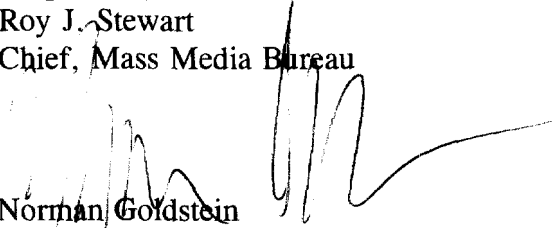
may be granted. Section 1.251 of the Commission's Rules.

3. Where summary decision of a dispositive issue is granted, the rules provide that no further hearing shall be held. If this motion is not granted, additional hearings would be necessary for the Bureau to present its rebuttal case on Issue 2. The grant of a motion for summary decision on Issue 1 would moot further hearing on all issues, thereby significantly conserving the Commission's scarce resources. Upon the issuance of the Presiding Judge's order this proceeding may be terminated.


4. Wherefore, the Bureau respectfully requests that the Presiding Judge grant

permission to file the instant motion for summary decision, accept the attached Mass Media Bureau's Proposed Findings of Fact and Conclusions of Law Issue One and grant summary decision on Issue 1.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau



Norman Goldstein  
Chief, Complaints and  
Political Programming Branch



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April 18, 1996

**CERTIFICATE OF SERVICE**

Natalie Moses, a secretary in the Complaints and Political Programming Branch, certifies that she has on this 18th day of April 1996, sent by regular United States mail, copies of the foregoing **Mass Media Bureau's Request for Permission to File Motion for Summary Decision and Motion for Summary Decision"** to:

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Natalie Moses